

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES WILLIS WALTENBURG,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C05-5767RBL

ORDER TO SHOW CAUSE

This 28 U.S.C. § 2255 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. In reviewing the petition prior to service the court notes that the state supreme court dismissed petitioner's personal restraint petition as time barred. (Dkt. # 6, Pages 20 to 22).

Accordingly petitioner is now **ORDERED** to **SHOW CAUSE** why this petition should not be dismissed as time barred under 28 U.S.C. § 2244 (d). A response to this order is due **February 27th, 2006**. Failure to file a response or an inadequate response will result in a report and recommendation that this petition be **DISMISSED**.

The clerk is directed to send copies of this order to petitioner and note this matter for the court's **February 27th, 2006** calendar.

DATED this 20th day of January, 2006.



Karen L. Strombom
United States Magistrate Judge